

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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PERRY CHAMANI and FAY CHAMANI

Plaintiffs,

v.

BAC HOME LOANS SERVICING, LP; et al.,

Defendants.

2:12-cv-1197-LRH-PAL

ORDER

Before the court is plaintiffs Perry and Fay Chamani's ("the Chamanis") renewed motion to remand. Doc. #64.¹

I. Facts and Procedural History

The Chamanis filed a complaint in state court against defendants for wrongful foreclosure. *See* Doc. #1, Exhibit A. Defendants removed the action to federal court on the basis of diversity jurisdiction. Doc. #1. In response, the Chamanis filed a motion to remand (Doc. #18) which was denied by the court (Doc. #45).

Subsequently, the Chamanis filed an amended complaint adding additional defendants to this action. Doc. #48. Thereafter, the Chamanis filed the present renewed motion to remand. Doc. #64.

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¹ Refers to the court's docket entry number.

1 **II. Legal Standard**

2 Under 28 U.S.C. § 1441, “any civil action brought in a State court of which the district
3 courts of the United States have original jurisdiction, may be removed by the defendant or the
4 defendants, to the district court of the United States for the district and division embracing the
5 place where such action is pending.” 28 U.S.C. § 1441(a).

6 Removal of a case to a United States district court may be challenged by motion. 28 U.S.C.
7 § 1441(c). A federal court must remand a matter if there is a lack of jurisdiction. *Id.* Removal
8 statutes are construed restrictively and in favor of remanding a case to state court. *See Shamrock*
9 *Oil & Gas Corp. v. Sheets*, 313 U.S. 100, 108-09 (1941); *Gaus v. Miles, Inc.*, 980 F.2d 564, 566
10 (9th Cir. 1992). On a motion to remand, the removing defendant faces a strong presumption against
11 removal, and bears the burden of establishing that removal is proper. *Gaus*, 980 F.2d at 566-67;
12 *Sanchez v. Monumental Life Ins. Co.*, 102 F.3d 398, 403-04 (9th Cir. 1996).

13 **III. Discussion**

14 A district court has original jurisdiction over civil actions where the suit is between citizens
15 of different states and the amount in controversy, exclusive of interest and costs, exceeds \$75,000.
16 28 U.S.C. § 1332(a). Further, an action based on diversity jurisdiction is “removable only if none of
17 the parties in interest properly joined and served as defendants is a citizen of the state in which such
18 action is brought.” 28 U.S.C. § 1441(b).

19 In their renewed motion, the Chamanis argue that the parties are not completely diverse
20 because newly added defendant First Service Residential Realty, LLC (“FSRR”) is a Nevada
21 limited liability company. *See* Doc. #64. The court disagrees. Defendant FSRR is registered with
22 the Nevada Secretary of State as a foreign limited liability company and therefore, is not a Nevada
23 citizen for diversity purposes. *See* Doc. #67, Exhibit B. Accordingly, the court finds that there is
24 complete diversity between the parties and that the exercise of diversity jurisdiction is appropriate.

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1 IT IS THEREFORE ORDERED that plaintiffs' motion to remand (Doc. #64) is DENIED.

2 IT IS SO ORDERED.

3 DATED this 25th day of March, 2013.



LARRY R. HICKS
UNITED STATES DISTRICT JUDGE

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